

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:16-cr-00008-1

**Cory Carnell Mitchell,**  
*Petitioner,*

v.

**United States of America,**  
*Respondent.*

**ORDER**

Petitioner Cory Mitchell, proceeding pro se, filed his fourth motion for compassionate release on September 21, 2020. Doc. 266. This motion was denied on November 9, 2020. Doc. 270. Petitioner then filed a renewed motion for compassionate release (Doc. 276), which was denied on June 9, 2021, (Doc. 277).

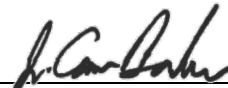
Petitioner filed a notice of appeal on June 21, 2021 and sought leave to appeal *in forma pauperis* on July 16, 2021. Magistrate Judge John D. Love issued a report on July 26, 2021, recommending that the motion be denied. Doc. 282. On August 17, 2021, petitioner filed a motion for extension of time to object. Doc. 283. This motion was granted on August 21, 2021, giving petitioner until September 30, 2021, in which to object.

On September 20, 2021, the report issued by the magistrate judge was returned to the court as undeliverable. Doc. 286. Nonetheless, it is clear that petitioner had access to or otherwise had knowledge of the report, in that his motion for extension of time specifically referenced the report and correctly identified the date upon which it issued.

Petitioner has had ample time to object to the report or to request another copy if he needed one. However, no objections have been received.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The court certifies petitioner's appeal as not taken in good faith, and his motion for leave to proceed *in forma pauperis* on appeal is denied.

*So ordered by the court on October 6, 2021.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge